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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/849,715	Applicant(s) KIRBAS ET AL.	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46,48 and 59-67 is/are pending in the application.
- 4a) Of the above claim(s) 59-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46,48 and 63-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 29 June 2009. **Claims 46, 48, and 59-67** are now pending in the present application and **claims 1-45, 47, and 49-58** are canceled. This office action is made **Final**.

Election/Restrictions

2. Newly submitted **claim 59** (including dependent 60-62) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
 - a. **Claim 59** recites the limitations "...storing in a read only memory of the wireless communication device a plurality of communication characteristics comprising information **regarding accrual of charges for communications associated with particular communication characteristics**; receiving the requested communication, the requested communication having a communication characteristic; accessing the plurality of communication characteristics stored in read only memory of the wireless communication device; determining whether the requested communication **will accrue a charge** based on an evaluation of the plurality of communication characteristics and the requested communication; and providing a response to the requested communication indicating that the requested communication is unauthorized...." in line(s) 5-17 of the claim.

Regarding claim 59, the limitations present an independent and/or distinguishable aspect of the claims that clearly differs from the originally presented invention.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 59-62 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. This list of examples is not intended to be exhaustive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46, 48, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a read only memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited), at least a portion of which are authorized area codes (e.g., home system) (see abstract; col. 7, lines 46-59, 27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to

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originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

the read only memory (58) also for storing one or authorized geographic areas (e.g., home system or roaming), wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a user interface (e.g., call initiator 36) accepting an inputted phone number (e.g., phone number) having an area code (e.g., phone number) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed “controller” connected to the read only memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine whether the inputted phone number will incur a charge based on an evaluation of at least the area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 ‘ref. 82’), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 ‘ref. 82’), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 ‘ref. 84’), and

the list comprising area codes (e.g., phone number - home system or prohibited) and the one or more authorized geographic areas stored in the read only memory (58) (see col. 6,

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lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of a phone call to the inputted phone number only if the area code is an authorized area code (e.g., phone number - home system or prohibited) and the current location (e.g., geographic area 74, 76, 78, 80) of the wireless device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list comprising area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...the number entered is compared...the area

code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes..." (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) a global positioning system (GPS) device (160) for determining a current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

a control unit (102) which reads on the claimed "controller" connected to the GPS device (160) (see Fig. 2),

the controller (102) configured to determine the current location (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the location of the terminal (100). As additional support, Irvin at the least further discloses having the feature(s) a read only memory (170) for storing a list comprising area codes (i.e., digit) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones; area comprises absolute or relative position information (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is

able to determine the physical location of the terminal (100) in correlation to safe zones; a controller (102) connected to the read only memory (150, 170), the user interface (108) (see Fig. 2), where the terminal has a transmitter 120 and receiver 140); and wherein the controller is further configured to permit placement (i.e., dialing) of a phone call to the inputted phone number only if the area code is an authorized area code and the current location of the wireless communication device is within an authorized geographic area (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 ‘ref. 460 & Fig. 4 ref. 470’), where the control unit compares the terminal (100) to the safe zones. In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 “ref. 460”) and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be implicit for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location from the GPS device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 48**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt

further discloses the wireless communication device of claim 46, wherein at least a portion of the list comprising area codes are unauthorized area codes (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4), where the system has information stored in the memory (58); and

wherein the controller (54) is configured to block a phone to the inputted number if the area code is an unauthorized area code or the current location of the wireless communication device matches a predetermined physical location is not within an authorized geographic area (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location stored in memory (58) in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 63**, Schmidt discloses a method for restricting a requested communication on a wireless communication device, comprising:

storing in a read only memory (58) of the wireless communication device (28) one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

storing a the read only memory (58) of the wireless communication device (28) one or more authorized telephone number area codes (e.g., phone number) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6,

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lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

receiving the requested communication, wherein the requested communication comprises a telephone number having an area code (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

determining whether the area code of the requested communication telephone number is an authorized telephone number area code (e.g., phone number) stored in the read only memory (58) of the wireless communication device (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another

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communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

identifying a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining whether the current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) is within an authorized geographic area (e.g., geographic area 74, 76, 78, 80) stored in the read only memory (58) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84');

initiating a call to the telephone number in the requested communication only if the area code (e.g., phone number) of the requested communication telephone number is an authorized telephone number area code and the current location of the wireless communication device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to

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another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt inexplicitly discloses having the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device. However, the examiner maintains that the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) identifying a current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

determining the current location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the location of the terminal (100). As additional support, Irvin at the least further discloses having the feature(s) a read only memory (170) for storing a list comprising area codes (i.e., digit) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares

the terminal (100) to the safe zones; and initiating (i.e., dialing) a call to the telephone number in the requested communication only if the area code of the requested communication telephone is an authorized telephone number area code and the current location of the wireless communication device is within an authorized geographic area (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones. In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460") and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be implicit for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 64**, Schmidt discloses every limitation claimed as applied above in claim 63. Schmidt does not specifically disclose having the feature(s) wherein the current location is an absolute global positioning system position. However, the examiner maintains that the feature(s) wherein the current location is an absolute global positioning system position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current location is an absolute global positioning system position (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current location is an absolute global positioning system position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 65**, Schmidt discloses every limitation claimed as applied above in claim 63. Schmidt does not specifically disclose having the feature(s) wherein the current location is a relative global positioning system position. However, the examiner maintains that the feature(s) wherein the current location is a relative global positioning system position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current location is a relative global positioning system position (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) relative to safe zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current location is a relative global positioning system position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

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Claims 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)** as applied to claim 41 above, and further in view of Admitted prior art (**MPEP 2144.03**).

Regarding **claim 66**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature local toll charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature local toll charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature local toll charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., local toll charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by specifically having the feature local toll charges, for the purpose of having local toll charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Regarding **claim 67**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature long distance charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature long distance charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature long distance charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., long distance charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by specifically having the feature long distance charges, for the purpose of having long distance charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Claims 46 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt** (US 6,208,872 B1) with evidentiary support by **Rodriguez** (US 7,212,802 B1) in view of **Agness et al.** (hereinafter Agness) (US 6,799,052 B1).

Regarding **claims 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a read only memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited), at least a portion of which are authorized area codes (e.g., home system) (see abstract; col. 7, lines 46-59, 27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit

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number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

the read only memory (58) also for storing one or authorized geographic areas (e.g., home system or roaming), wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a user interface (e.g., call initiator 36) accepting an inputted phone number (e.g., phone number) having an area code (e.g., phone number) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed "controller" connected to the read only memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine whether the inputted phone number will incur a charge based on an evaluation of at least the area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), and

the list comprising area codes (e.g., phone number - home system or prohibited) and the one or more authorized geographic areas stored in the read only memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and

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location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of a phone call to the inputted phone number only if the area code is an authorized area code (e.g., phone number - home system or prohibited) and the current location (e.g., geographic area 74, 76, 78, 80) of the wireless device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list comprising area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*" (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for

determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location was well known in the art, as taught by Agness.

Agness further discloses the feature(s) a global positioning system (GPS) device (45) for determining a current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed “controller” connected to the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);

the controller (43) configured to determine the current location (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Agness to have the feature(s) a global positioning system (GPS) device for determining a current location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current location, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and

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specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 63**, Schmidt discloses a method for restricting a requested communication on a wireless communication device, comprising:

storing in a read only memory (58) of the wireless communication device (28) one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position (e.g., geographic area 74, 76, 78, 80) information (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

storing a the read only memory (58) of the wireless communication device (28) one or more authorized telephone number area codes (e.g., phone number) (see col. 6, lines 27-34, 46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18, 45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

receiving the requested communication, wherein the requested communication comprises a telephone number having an area code (e.g., home system) (see abstract; col. 7, lines 46-

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59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

determining whether the area code of the requested communication telephone number is an authorized telephone number area code (e.g., phone number) stored in the read only memory (58) of the wireless communication device (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize;

identifying a current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining whether the current location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) is within an authorized geographic area (e.g., geographic area 74, 76, 78, 80) stored in the read only memory (58) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84');

initiating a call to the telephone number in the requested communication only if the area code (e.g., phone number) of the requested communication telephone number is an authorized telephone number area code and the current location of the wireless communication device (28) is within an authorized geographic area (e.g., home system) (see abstract; col. 7, lines 46-59,27-40; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location and the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...the number entered is compared...the area code and the dialing

prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes..."

(see Rodriguez - col. 8, lines 1 et seq.)). Schmidt inexplicitly discloses having the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device. However, the examiner maintains that the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device was well known in the art, as taught by Agness.

Agness further discloses the feature(s) identifying a current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

determining the current location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Agness to have the feature(s) identifying a current location of the wireless communication device; determining the current location of the wireless communication device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Response to Arguments

5. Applicant's arguments with respect to claims 46, 48, and 59-67 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

6. The Examiner requests applicant to provide support (e.g., page(s), line(s), and drawing(s) as well as comments) for the amended claim language and any further amended claim language.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD, Jr/

WJD,Jr
18 October 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617